

ORIGINAL

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**E-filing**

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 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

**JCS**

11 C V 10 2560  
 12 EQUAL EMPLOYMENT OPPORTUNITY Civil Action No.  
 13 COMMISSION,

14 Plaintiff,  
 15 v.  
 16 MID VALLEY LABOR SERVICES, INC.,

17 Defendant.

**COMPLAINT**Civil Rights - Employment  
Discrimination

DEMAND FOR JURY TRIAL

**NATURE OF THE ACTION**

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Magnolia Gomez-Lopez and Emelia Rios and similarly situated women who were adversely affected by such practices. Defendant subjected Ms. Gomez-Lopez and Rios and similarly situated women to unlawful discrimination based on their sex, and to unlawful retaliation after they expressed their opposition to the unlawful discrimination.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
2 §2000e-5(f)(1) and (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C.  
3 §1981a.

4 2. The unlawful employment practices alleged herein were committed in the  
5 State of California, in the County of Sonoma. Venue is therefore proper in the United  
6 States District Court for the Northern District of California.

7 **INTRADISTRICT ASSIGNMENT**

8 3. This action is appropriate for assignment to the San Francisco/Oakland  
9 Division of this court as the violations alleged in the complaint took place in Sonoma  
10 County.

11 **PARTIES**

12 4. Plaintiff, the Equal Employment Opportunity Commission  
13 ("Commission") is the agency of the United States of America charged with the  
14 administration, interpretation and enforcement of Title VII, and is expressly authorized  
15 to bring this action by Section 706(f)(1) and (3) of Title VII, §2000e-5(f)(1) and (3).

16 5. Defendant Mid Valley Labor Services, Inc. is a California corporation,  
17 doing business in the State of California, and has continuously had at least 15  
18 employees.

19 6. At all relevant times, Defendant Mid Valley Labor Services has  
20 continuously been an employer engaged in an industry affecting commerce, within the  
21 meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g) and (h).

22 **STATEMENT OF CLAIMS**

23 **FIRST CLAIM FOR RELIEF**

24 **Violation of Title VII Based on Sex Discrimination: Harassment**

25 7. More than thirty days prior to the institution of this lawsuit, Charging  
26 Parties Magnolia Gomez-Lopez and Emelia Rios ("Charging Parties") filed charges  
27 with Plaintiff Commission alleging violations of Title VII by Defendant Mid Valley  
28 Labor Services, Inc. All conditions precedent to the institution of this lawsuit have been

fulfilled.

2       8. Since at least April 21, 2008 for Charging Party Gomez-Lopez and May 5,  
3 2008 for Charging Party Rios, Defendant has engaged in unlawful practices of sex  
4 discrimination in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by  
5 subjecting Charging Parties and similarly situated women to harassment because of  
6 their sex, including but not limited to sexual comments, sexual propositions, and  
7 statements that Charging Parties and similarly situated women would have to engage in  
8 sexual relations to keep their jobs.

9        9. The effect of the actions complained of in paragraph 8 above has been to  
10 deprive Charging Parties and similarly situated women of equal employment  
11 opportunities and otherwise adversely affect their status as employees because of sex.

12        10. The unlawful employment practices complained of in paragraph 8 above  
13 were intentional.

14        11. The unlawful employment practices complained of in paragraph 8 above  
15 were done with malice or with reckless indifference to the federally protected rights of  
16 Charging Parties and similarly situated women.

## **SECOND CLAIM FOR RELIEF**

## **Violation of Title VII Based on Retaliation**

19       12. Plaintiff Commission hereby incorporates the allegations of paragraphs 1  
20 through 8 above as though fully set forth herein.

13. In addition to the above-referenced discrimination, Defendant engaged in  
unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C.  
§2000e-3(a) by subjecting Charging Parties to retaliation because of their opposition to  
the sex discrimination referenced herein at paragraph 8, including but not limited to the  
termination of Charging Parties' employment on or about May 26, 2008.

26        14. The effect of the actions complained of in paragraph 13 above has been to  
27 deprive Charging Parties of equal employment opportunities and otherwise adversely  
28 affect their status as employees because of their protected activity.

1        15. The unlawful employment practices complained of in paragraph 13 above  
2 were intentional.

3       16. The unlawful employment practices complained of in paragraph 13 above  
4 were done with malice or with reckless indifference to the federally protected rights of  
5 Charging Parties.

## **PRAYER FOR RELIEF**

7 Wherefore, the Commission respectfully requests that this Court:

8       A.     Grant a permanent injunction enjoining Defendant, its officers, agents,  
9 servants, employees, attorneys, successors, assigns, and all persons acting in concert or  
10 participation with them, from engaging in discrimination based on sex, including  
11 harassment, and retaliation against their employees.

12 B. Order Defendant to institute and carry out policies, practices, and  
13 programs which prohibit sex discrimination, including harassment, and retaliation, and  
14 which eradicate the effects of its unlawful employment practices.

15 C. Order Defendant to make whole Charging Parties and similarly situated  
16 women by providing appropriate back pay and benefits with prejudgment interest, and  
17 other affirmative relief necessary to eradicate the effects of its unlawful employment  
18 practices, including but not limited to reinstatement to prior positions and/or front pay  
19 and other appropriate relief to be determined at trial.

20 D. Order Defendant to make whole Charging Parties and similarly situated  
21 women by providing compensation for past and future pecuniary losses resulting from  
22 the unlawful employment practices complained of above, including but not limited to  
23 such out-of-pocket expenses as medical care necessitated by Defendant's unlawful  
24 conduct, in amounts to be determined at trial.

25 E. Order Defendant to make whole Charging Parties and similarly situated  
26 women by providing compensation for past and future nonpecuniary losses resulting  
27 from the unlawful practices complained of above including, but not limited to emotional  
28 pain and suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts

1 to be determined at trial.

2 F. Order Defendant to pay Charging Parties and similarly situated women  
3 punitive damages for the malicious and reckless conduct described above, in amounts to  
4 be determined at trial.

5 G. Grant such further relief as the Court may deem just and proper in the  
6 public interest.

7 H. Award the Commission its costs of this action.

8 **DEMAND FOR JURY TRIAL**

9 The Commission demands a jury trial on all questions of fact raised by its  
10 complaint.

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17  
18 Dated: June 9, 2010

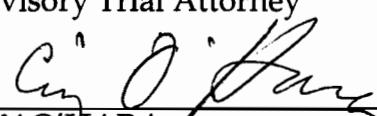


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Regional Attorney

20 Dated: June 9, 2010

21 /S/ David Offen-Brown  
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